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## HEARING DIVISION PROPOSED AMENDMENT #1

TIME/DATE PREPARED: January 7, 2011/11:35 a.m.COMPANY: Diversified Water CompanyAGENDA ITEM NO.: U-6DOCKET NO.: W-02859A-04-0844OPEN MEETING: DATE: Jan. 11 & 12, 2011

Page 2, Line 23, INSERT the following additional Findings of Fact:

“7. On July 1, 2010, a Recommended Order was issued recommending that Diversified’s conditional CC&N extension granted in Decision No. 70181 be deemed null and void.

8. On July 6, 2010, counsel for Wolfkin filed a letter requesting that a hearing be held as soon as possible to void the CC&N extension so that it could contract with a different water company to serve the property.

9. On July 12, 2010, Diversified filed a Request to Reinstate its Request for an Extension of Time to Comply with Decision No. 70181. Diversified argued that because Wolfkin indicated it is actively seeking to develop land in the extension area, there exists a need for service and Diversified is entitled to be the water provider to the developer.

10. On July 12, 2010, Diversified also filed Exceptions to the Recommended Order arguing that it has at all times been ready, willing and able to serve the extension area subject to developers pursuing active development of the property.

11. On August 13, 2010, Wolfkin filed a letter responding to Diversified’s request to reinstate its extension request. Wolfkin claimed that Diversified was unable to satisfy the conditions required by Decision No. 70181 despite Diversified’s efforts to do so.

12. The July 1, 2010 Recommended Order was discussed during the Commission’s August 24, 2010 Open Meeting, but was pulled from the agenda without a vote.

13. On December 2, 2010, a Procedural Order was issued directing Diversified to file, by December 30, 2010, an update regarding the status of this matter.

14. On December 30, 2010, Diversified filed a Withdrawal of Objection to Recommended Opinion and Order.”

Arizona Corporation Commission

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## THIS AMENDMENT:

☐ Passed ☐ Passed as amended by \_\_\_\_\_☐ Failed ☐ Not Offered ☐ Withdrawn